

Waivers	First Name	Last Name	Claim Number
			W-18-0002
Amount	OGC Received Date	Assigned To	Assigned Date
\$878.76	02/09/2018	Kenneth Redden	02/12/2018
EPA Decision	EPA Decision Date	Amount Approved	Status
APPROVED	01/16/2020	\$878.76	CLOSED
Appeal	Comments		
No	Reassigned from Stephanie Rich to Ken Redden on 12/17/19		
Type			
Federal Employee Retirement System (FERS)			

Attachments

From: Redden, Kenneth
Sent: Thursday, January 16, 2020 12:11 PM
To: [REDACTED]
Cc: Luebbering, Gregory <luebbering.gregory@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Stewart, Leonice <Stewart.Leonice@epa.gov>; Church, Stacey <Church.Stacey@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>; Tammy Johnson <tammy_johnson@ibc.doi.gov>
Subject: Waiver/Remission of Indebtedness Application (Debt ID #M1731200002)

[REDACTED]:
This email is in response to your Waiver/Remission of Indebtedness Application related to Debt ID #M1731200002 in the amount of \$878.76 dated November 8, 2017. For the reasons set forward below, your request for a waiver is granted.

Background

The resulting debt was the result of Agency an administrative error that occurred from when you first joined the Agency in early 2017. The Agency placed you under the wrong retirement code of FERS-RAE with a corresponding deduction of 3.1% when you should have been placed under retirement code FERS-FRAE with a corresponding deduction of 4.4%. You were first made aware of this mistake when you were notified on September 25, 2017, by EPA Human Resources Specialist, Crystal Ponich.

The difference in the amount of your FERS contribution for the two FERS retirement codes was the cause of the \$878.76 debt that appears in the November 8, 2017 Bill of Collection sent to you from the Interior Business Center. In response to the Bill of Collection, you timely submitted a Waiver/Remission of Indebtedness Application.

Analysis

Under 5 U.S.C. §5584, I have the authority to waive collection of erroneous payments or allowances, if collection would be against equity

and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation or lack of good faith on the part of the employee. Waiver is precluded if the employee is aware or should have been aware that he or she was being overpaid. B-271308, April 18, 1996.

In the present case, the record clearly indicates that the Agency was at fault for the administrative errors at issue. Therefore, the only issue before me is whether you knew or should have known that you were placed in the wrong retirement code. In my review of the documents of the record, I find that you neither knew nor reasonably could have known you were erroneously placed in the wrong retirement code.

[REDACTED] it was completely reasonable for you to have not known what the appropriate retirement code should be on your SF 50s and the associated FERS retirement contributions. For that reason, I find that your reliance on the Agency to place you in the right retirement code category was reasonable.

Accordingly, all the criteria for waiver of this claim has been met, and this request for waiver is approved in the amount of \$878.76. By copy of this email, I am advising that OCFO should work with the Interior Business Center to waive repayment and to refund to you any money that was already paid by you toward this debt.